



## REMARKS

Claims 1-29 are pending in the application. Claims 25-29 are new and Claims 4 and 20 have been amended. Attached hereto is a marked-up version titled, "**Version with Markings To Show Changes Made**".

### *Claim Rejection 35 U.S.C. § 112, paragraph 2*

By this reply claims 4 and 20 have been amended to more particularly point out and distinctly claim the current subject matter. Applicant respectfully submits that Claims 3 and 19 particularly point out and distinctly claim the invention. Specifically, Claims 3 and 19 are drafted to a device wherein the aperture is disposed above the pocket/accepting means (when aligned with the gravitational force of the earth). Thus, in Claim 3 the pocket is nearer the center of mass of the planet, Earth, than the aperture in the frame. Removal of the pending rejection under 35 U.S.C. §112, second paragraph is respectfully requested and allowance solicited.

### *Claim Rejection 35 U.S.C. § 102*

#### 35 U.S.C. § 102(b)

Claims 1-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Miller et al. (United States Patent Number 5,349,132), hereinafter *Miller*. Applicant respectfully disagrees.

Referring generally to Claims 1-24, the present invention is directed generally to a removable panel access system including a panel door with an arced extension for engaging an arced pocket included in a frame for accepting the extension, thus the panel door may self-extract upon sufficient rotation as claimed in Claim 4.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102(b) the reference must disclose each and every limitation. As the Federal Circuit noted:

[A]nticipation requires the presence in a single prior art reference disclosure of *each and every element* of the claimed invention, arranged as in the claim.

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*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1982) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1984)) (emphasis added).

Moreover, “An anticipating reference must describe the patented subject matter *with sufficient clarity and detail* to establish that the subject matter existed and that its existence *was recognized by persons of ordinary skill in the field of invention.*” *ATD Corp. v. Lydall, Inc.*, 48 USPQ.2d 1321, 1328 (Fed. Cir. 1998) citing *In re Spada*, 15 USPQ.2d 1655, 1657 (Fed. Cir. 1990). emphasis added. *Miller* fails to teach the presently claimed invention.

Specifically, *Miller* teaches a panel assembly 46 including panel-mounting hooks 37 for engaging hook-receiving openings 9. *Miller*, Col. 6, lines 42-46. This is not the present invention.

First, *Miller* fails to disclose a pocket, including an arced surface therein, as is recited in Claim 1. In contrast, *Miller* merely teaches a receiving opening 9. This is not the present invention. As described in the instant specification and claimed in Claim 1, a pocket is recessed to include an arced surface protruding into the pocket. Instant specification, Paragraph [0028]. As defined by *Webster's New World Dictionary*: Third College Edition (1988), pocket is “any usually small container, compartment, enclosure, etc.” *Miller* fails not only to teach a pocket, but also fails to teach a pocket including an arced surface extending into the pocket for engaging the at least one extension. In contrast, *Miller* discloses that the panel-mounting hooks 37 are received in an opening, which appears (*Miller*, FIG. 5A) as an aperture only. (More certainly the aperture in *Miller* does not include an arced surface protruding into the pocket.) Additionally, as discussed below, the hook-receiving opening of *Miller* also must be rectangular in shape to accept an L-shaped hook.

Second, *Miller* FIG. 5A discloses panel-mounting hooks mounted to the panel assembly, thus as is indicated by the figure the hook 37 is L-shaped structure which must be raised out of engagement with the base 10 forming the receiving opening 9 rather than rotated to free the extension as is possible with the present invention. Further buttressing this argument is the exploded view of a "panel-mounting hook" 80 as shown in *Miller*, FIG. 12B. Clearly, the "panel-mounting hook 80" (*Miller*, Col., 8, line 27 and FIG. 12B) is an L-shaped structure and therefore cannot include an arced surface as recited in the claims. Removal of the rejection under 35 U.S.C. § 102(b) is respectfully requested and allowance earnestly solicited.

Claims 1-24 stand rejection under 35 U.S.C. § 102(b) over *Cooke et al.* United States Patent Number 5,142,447, hereinafter *Cooke*. Applicant respectfully disagrees.

For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art. ...Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge *does not grant a license to read into the prior art reference teachings that are not there*. *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). emphasis added.

In contrast to the present invention, *Cooke* teaches a projection 700 inserted in an opening 725 in the retainer 420 and through a second opening 730 in the housing 15. *Cooke*, Col. 15, lines 10-13. This is not the present invention. First, *Cooke* fails to teach a pocket (included in the frame) as is recited in the claims, and was argued previously. Second, *Cooke* fails to teach at least one pocket including an arc surface protruding into the pocket. In fact, *Cooke* not only fails to teach the inclusion of a pocket including an arced surface, but rather teaches the aperture is generally rectilinear and includes a pivot point 743. *Cooke* Col. 15, lines 23-25 and FIG. 28. Removal of the rejection under 35 U.S.C. § 102(b) is respectfully requested and allowance earnestly solicited.

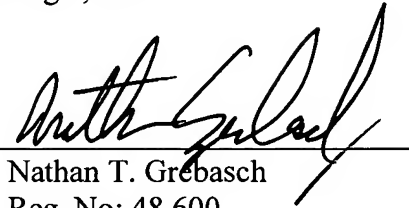
### CONCLUSIONS

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend the claims as follows:

4. (Amended) The removable access panel system of claim 1, wherein rotation of the panel door into an open position results in the at least one extension being removed from the pocket [is capable of self-extracting itself in the open position].

20. (Amended) The removable access panel system of claim 19, wherein rotation of the covering means into an open position results in the at least one extension being removed from the accepting means [is capable of self-extracting itself in the open position].